



General Assembly

January Session, 2007

Committee Bill No. 308

LCO No. 4175

04175SB00308LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING THE PROTECTION OF CHILD PERFORMERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) As used in sections 1 to 9,
2 inclusive, of this act:

3 (1) "Artistic or creative service" includes, but is not limited to,
4 service as an actor, actress, dancer, musician, comedian, singer, stunt-
5 person, voice-over artist, broadcaster, other performer or entertainer,
6 songwriter, musical producer or arranger, writer, director, producer,
7 production executive, choreographer, composer, conductor or
8 designer;

9 (2) "Child performer" means any child under eighteen years of age,
10 except a child found by a court to be emancipated pursuant to section
11 46b-150 of the general statutes, who resides in and who agrees to
12 render any artistic or creative service in this state;

13 (3) "Employer" means a person or entity that exhibits, uses or
14 employs a child performer to furnish any artistic or creative service for
15 a fee either directly or through a third-party provider, agency or

16 service that provides artistic or creative services;

17 (4) "Child performer trust" means a trust, established in accordance
18 with chapter 802c of the general statutes, for the benefit of a child
19 performer; and

20 (5) "Gross earnings" means the total compensation prior to taxes,
21 deductions or commissions payable to a child performer pursuant to a
22 contract or, in the case of a third-party individual or personal services
23 corporation, the total compensation paid to the third-party for the
24 services of the child performer, except that where the child performer
25 is employed as a musician, singer, songwriter, musical producer or
26 arranger, "gross earnings" means the total compensation under the
27 contract including advances, but excluding deductions to offset such
28 advances or other expenses incurred by the employer pursuant to the
29 contract.

30 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Except as otherwise
31 provided in this section, a person exhibiting, using or employing or
32 causing, procuring or consenting to the exhibition, use or employment
33 of any child under eighteen years of age in any artistic or creative
34 service shall comply with the provisions of this section, sections 3 to 8,
35 inclusive, of this act and the regulations adopted pursuant to section 9
36 of this act. Such person shall comply with said sections and regulations
37 regardless of whether such artistic or creative service occurs in a public
38 or private place, an admission fee is charged or such child or any other
39 person is to be compensated for the exhibition, use or employment of
40 such child. Prior to employing a child under eighteen years of age in
41 any artistic or creative service, a person shall obtain a certificate of
42 eligibility pursuant to section 5 of this act. No person shall employ a
43 child under eighteen years of age in any artistic or creative service
44 unless the child holds a child performer permit pursuant to section 6 of
45 this act.

46 (b) The provisions of subsection (a) of this section shall not apply to
47 a child's participation in any performance that is (1) part of the regular

48 services or activities of a church, academy or school; (2) the graduation
49 exercises of any academy or school; (3) in a private home; (4) in a
50 museum, library or religious, civic or educational institution; or (5) a
51 radio or television broadcast for not more than two hours a week from
52 the studio of a regularly licensed broadcasting company where the
53 performance of the child is of a nonprofessional character and occurs
54 during hours when attendance for educational instruction is not
55 required in accordance with chapter 168 of the general statutes.

56 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) Except as provided in
57 subsection (b) of this section, a parent or any person having the care,
58 custody or control of a child performer under eighteen years of age
59 shall instruct or cause such child to be instructed in accordance with
60 section 10-184 of the general statutes.

61 (b) (1) For purposes of this subsection, "employment schedule"
62 means the time that a child performer is required to be present at the
63 place of employment, excluding travel.

64 (2) If a child performer is unable to attend school for three or more
65 consecutive days, or is unable to receive equivalent instruction in the
66 studies taught in the public schools for three or more consecutive days,
67 due to his or her employment schedule, the employer, either directly
68 or indirectly through a third person, shall provide a teacher, who is
69 either certified or has credentials recognized by this state, to the child
70 performer to provide the educational instruction required under
71 section 10-184 of the general statutes.

72 (c) A child performer receiving educational instruction pursuant to
73 subsection (b) of this section and the parents or person having the care,
74 custody or control of the child performer shall work with the teacher
75 provided to the child performer and the child performer's school of
76 enrollment to assist in such educational instruction.

77 (d) No child performer shall be deemed truant under section 10-
78 198a of the general statutes while the child performer (1) has a valid

79 child performer permit issued in accordance with section 6 of this act,
80 and (2) is receiving educational instruction in accordance with
81 subsection (b) of this section.

82 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) Whenever a child
83 performer's gross earnings in any calendar year exceeds ten thousand
84 dollars, the parent or legal guardian of the child performer shall
85 establish a child performer trust in accordance with chapter 802c of the
86 general statutes, unless such trust has previously been established. The
87 child performer's parent or legal guardian may serve as custodian of
88 the trust. Upon establishment of the child performer trust, the parent,
89 legal guardian or custodian of the trust of the child performer shall
90 notify the employer of the existence of the trust and any additional
91 information required to make the transfers required under subsection
92 (b) of this section.

93 (b) (1) Not later than thirty days after the final day of a child
94 performer's employment, except when the performance contract is for
95 a period longer than thirty days, the employer shall transfer fifteen per
96 cent of gross earnings to the custodian of the child performer's child
97 performer trust. When the employment is longer than thirty days, the
98 employer shall make the required transfer every payroll period.

99 (2) The custodian of the child performer trust shall promptly notify
100 the employer of any change in facts that affect the employer's
101 obligation to transfer funds under subdivision (1) of this subsection.
102 Upon request of the parent or legal guardian of the child performer,
103 the custodian may require the employer to transfer more than fifteen
104 per cent of the gross earnings to the child performer trust. Once the
105 child performer trust balance reaches two hundred fifty thousand
106 dollars, or more, a trust company, as defined in section 45a-557a of the
107 general statutes, shall be appointed custodian of the trust.

108 (c) The child performer may terminate the child performer trust
109 upon reaching eighteen years of age.

110 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) The Labor Commissioner
111 shall issue a certificate of eligibility, valid for three years from the date
112 of issuance, to a person seeking to employ a child performer upon
113 application for such certificate on a form prescribed by the
114 commissioner. Each initial application for a certificate of eligibility
115 shall be accompanied by a fee as determined by the commissioner,
116 provided such fee shall not exceed three hundred fifty dollars for an
117 initial application or two hundred dollars for certification renewal.

118 (b) The commissioner shall adopt regulations, in accordance with
119 the provisions of section 9 of this act, to establish requirements and
120 procedures for the issuance of eligibility certificates in accordance with
121 subsection (a) of this section.

122 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) The Labor Commissioner
123 shall issue a child performer permit to a child performer upon
124 application for such permit on a form prescribed by the commissioner.
125 Each application shall include the following:

126 (1) The legal and stage name and the age of the child;

127 (2) The name and address of the child's parent or legal guardian;

128 (3) Detailed information describing the child's intended
129 employment, including, but not limited to, information concerning (A)
130 the surrounding physical set, (B) the plot of the movie, television
131 series, opera, play or other type of performance in which the child will
132 be engaged, (C) whether the child will be engaged in or subjected to
133 nudity, suggestive behavior or physical abuse, (D) for a commercial,
134 the essential message of the commercial, and (E) for a music video, the
135 message of the lyrics;

136 (4) The dates and hours of such employment;

137 (5) For a school-age child performing during school hours, the
138 arrangements that have been made for educational instruction in
139 accordance with section 3 of this act, or for otherwise making up any

140 lost school time; and

141 (6) For each child performer whose gross earnings in any calendar
142 year exceed or will exceed ten thousand dollars, evidence satisfactory
143 to the commissioner that a child performer trust has been established
144 for the benefit of the child performer in accordance with section 4 of
145 this act.

146 (b) Each application for a child performer permit shall include a
147 statement, signed by a parent or other legal guardian of the child, that
148 such parent or guardian consents to the employment of the child as
149 described in the application.

150 (c) At the time a child performer applies for a child performer
151 permit, the commissioner shall inform the child performer of the child
152 performer trust requirements. The commissioner shall provide a notice
153 in twelve-point boldface type to read as follows: "CONNECTICUT
154 STATE LAW REQUIRES FIFTEEN PER CENT OF A CHILD
155 PERFORMER'S EARNINGS TO BE PLACED IN TRUST FOR THE
156 BENEFIT OF THE CHILD. THE CHILD PERFORMER'S PARENTS OR
157 LEGAL GUARDIAN MUST ESTABLISH THE CHILD PERFORMER
158 TRUST TO COMPLY WITH THIS REQUIREMENT. THE CHILD'S
159 PARENTS OR LEGAL GUARDIAN MUST PROVIDE THE CHILD
160 PERFORMER'S EMPLOYER WITH THE INFORMATION
161 NECESSARY TO TRANSFER THESE EARNINGS TO THE TRUST.
162 FAILURE TO COMPLY WITH THIS REQUIREMENT WILL
163 PREVENT THE LABOR DEPARTMENT FROM RENEWING THE
164 CHILD'S PERMIT TO WORK AS A CHILD PERFORMER."

165 (d) A child performer permit shall be valid for six months from the
166 date of issuance, provided the child, or parent or legal guardian of the
167 child, provides evidence to the commissioner, at intervals to be
168 determined by the commissioner, during the duration of the permit
169 demonstrating that such child is maintaining satisfactory academic
170 performance as determined by the child's school of enrollment.

171 (e) No child performer permit shall be issued if the commissioner
172 determines that the intended employment is harmful to the welfare,
173 development or proper education of the child. A child performer
174 permit issued in accordance with this section may be revoked by the
175 commissioner for good cause.

176 (f) No child performer permit shall be renewed, nor shall a
177 subsequent child performer permit be issued, unless the parent or legal
178 guardian of the child performer demonstrates to the commissioner that
179 a child performer trust has been established for the benefit of the child
180 performer in accordance with section 4 of this act.

181 (g) The commissioner shall adopt regulations, in accordance with
182 the provisions of section 9 of this act, to implement the provisions of
183 this section.

184 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Each employer shall keep
185 on file all eligibility certificates and child performer permits issued in
186 accordance with sections 5 and 6 of this act. Such permits and
187 certificates shall be available at all times for inspection by any
188 attendance officer, appointed in accordance with section 10-199 of the
189 general statutes, probation officer, or representative of the State Board
190 of Education or the Labor Department. No such attendance officer,
191 probation officer or representative shall be denied entrance to any
192 place at which a child performer is being employed. If such attendance
193 officer, probation officer or representative is denied entrance to such
194 place, or if such attendance officer, probation officer or representative
195 determines that any violation of sections 2 to 8, inclusive, of this act or
196 of chapter 557 of the general statutes exists, he or she shall report, in
197 writing, such denial or violation to the Labor Commissioner not later
198 than forty-eight hours after such denial or determination.

199 (b) Failure to produce the child performer permit or eligibility
200 certificate for a child performer is prima facie evidence of the
201 employment of such child performer in violation of sections 2 to 8,
202 inclusive, of this act. Evidence that any person was the owner,

203 manager or superintendent of any place in which such child performer
204 is alleged to have been employed is prima facie evidence that the
205 person employed or permitted such child performer to be employed in
206 violation of sections 2 to 8, inclusive, of this act.

207 Sec. 8. (NEW) (*Effective October 1, 2007*) If the Labor Commissioner
208 finds that an employer has violated any provision of sections 2 to 8,
209 inclusive, of this act or the regulations adopted pursuant to section 9 of
210 this act, the commissioner shall fine such employer not more than one
211 thousand dollars for the first violation, not more than two thousand
212 dollars for a second violation and not more than three thousand
213 dollars for a third or subsequent violation.

214 Sec. 9. (NEW) (*Effective October 1, 2007*) The Labor Commissioner
215 shall adopt regulations, in accordance with chapter 54 of the general
216 statutes, to implement the provisions of section 2 to 8, inclusive, of this
217 act. Such regulations shall include, but not be limited to, provisions to
218 establish: (1) The number of hours and times of day a child performer
219 may work, including the number of breaks child performers of
220 different ages shall be given; (2) safe set and other location
221 requirements; (3) when and where parents or legal guardians may
222 accompany child performers; (4) requirements for the supervision of
223 child performers on nonschool days; (5) requirements for criminal
224 history records checks, to be conducted in accordance with section 29-
225 17a of the general statutes, for individuals supervising child
226 performers during work hours; and (6) any other requirements the
227 commissioner deems appropriate to ensure the health, safety and well-
228 being of child performers.

229 Sec. 10. (*Effective July 1, 2007*) The Commissioner of Education, in
230 conjunction with the Commissioner of Higher Education, shall conduct
231 a study to determine the necessary education and certification
232 requirements for studio teachers to provide educational instruction
233 and other supervision to child performers, as defined in section 1 of
234 this act, unable to attend school while working. Such study shall

235 include, but not be limited to, an examination of the laws of other
236 states that provide certification for studio teachers. On or before
237 February 1, 2008, the Commissioner of Education shall submit a report,
238 in accordance with section 11-4a of the general statutes, to the joint
239 standing committees of the General Assembly having cognizance of
240 matters relating to education and higher education making
241 recommendations for education and certification or other credentialing
242 requirements for studio teachers in Connecticut.

243 Sec. 11. Subsection (a) of section 10-193 of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective*
245 *October 1, 2007*):

246 (a) The superintendent of schools of any local or regional board of
247 education or an agent designated by such superintendent shall, upon
248 application and in accordance with procedures established by the State
249 Board of Education, furnish, to any person desiring to employ a minor
250 under the age of eighteen years (1) in any manufacturing, mechanical
251 or theatrical industry, other than as a child performer, as defined in
252 section 1 of this act, restaurant or public dining room, or in any
253 bowling alley, shoe-shining establishment or barber shop, a certificate
254 showing that such minor is sixteen years of age or older, (2) in any
255 mercantile establishment, a certificate showing that such minor is
256 fifteen years of age or older, and (3) at any municipal or private golf
257 course, a certificate showing that such minor is fourteen years of age or
258 older.

259 Sec. 12. Subsection (a) of section 31-23 of the general statutes is
260 repealed and the following is substituted in lieu thereof (*Effective*
261 *October 1, 2007*):

262 (a) No minor under sixteen years of age shall be employed or
263 permitted to work in any manufacturing, mechanical, mercantile or
264 theatrical industry, other than as a child performer, as defined in
265 section 1 of this act, restaurant or public dining room, or in any
266 bowling alley, shoe-shining establishment or barber shop, provided

267 the Labor Commissioner may authorize such employment of any
 268 minor between the ages of fourteen and sixteen who is enrolled in (1) a
 269 public school in a work-study program as defined and approved by
 270 the Commissioner of Education and the Labor Commissioner or in a
 271 program established pursuant to section 10-20a, or (2) a summer work-
 272 recreation program sponsored by a town, city or borough or by a
 273 human resources development agency which has been approved by
 274 the Labor Commissioner, or both, and provided the prohibitions of
 275 this section shall not apply to any minor over the age of fourteen who
 276 is under vocational probation pursuant to an order of the Superior
 277 Court as provided in section 46b-140 or to any minor over the age of
 278 fourteen who has been placed on vocational parole by the
 279 Commissioner of Children and Families.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>July 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	10-193(a)
Sec. 12	<i>October 1, 2007</i>	31-23(a)

Statement of Purpose:

To protect children in the entertainment industry from child labor abuses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. FINCH, 22nd Dist.

S.B. 308